

02-06-04



Attorney Docket No. 2188 F US

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yoseph Yaacobi) Group Art Unit: NYA
Serial No.: 10/706,105) Examiner: NYA
Filed: November 12, 2003)
For: Ophthalmic Drug Delivery Device

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Express Mail No. EV 224562638 US

Date: February 5, 2004

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby submits this statement. This submittal is made in accordance with 37 C.F.R. §§ 1.97 and 1.98 and § 609 of the Manual of Patent Examining Procedure.

The Examiner is respectfully requested to fully consider each of the references cited on the attached form PTO/SB/08 and, after such consideration, initial the enclosed Form PTO/SB/08 in the space provided next to each reference. Please return a copy of the initialed Form PTO/SB/08 with the next communication transmitted to the Applicant. A copy of each of the cited references is enclosed with this communication. Any markings, underlines, notations or the like present in any reference are not to be construed as drawing the Examiner's attention to such marking or away from other portions of the reference.

This statement is filed within three months of the filing date of this application pursuant to 37 C.F.R. § 1.97(b), and therefore no fee for the consideration of this statement is enclosed herewith. However, the Commissioner is hereby authorized to charge any amount required for the consideration of this statement to Deposit Account No. 501051 of Alcon , Inc.

Respectfully submitted,



W. David Lee
Reg. No. 39,743

Alcon Research, Ltd.
Mail Code Q-148
Fort Worth, TX 76134-2099
Tel: (817) 568-6029
Fax: (817) 551-4610



Express Mail No. EV 224562638 US

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

4

Complete if Known

Application Number	10/706,105
Filing Date	11/12/2003
First Named Inventor	Yoseph Yaacobi
Art Unit	
Examiner Name	

Attorney Docket Number

2188 F US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
A1	US-	3,416,530	12/17/1968	R. A. Ness	
A2	US-	3,828,777	08/13/1974	R. A. Ness	
A3	US-	4,014,335	03/29/1977	Arnold	
A4	US-	4,300,557	11/17/1981	Refojo et al.	
A5	US-	4,327,725	05/04/1982	Cortese et al.	
A6	US-	4,853,224	08/01/1989	Wong	
A6	US-	4,946,450	08/07/1990	Erwin	
A7	US-	4,997,652	03/05/1991	Wong	
A8	US-	5,147,647	09/15/1992	Darougar	
A9	US-	5,164,188	11/17/1992	Wong	
A10	US-	5,178,635	01/12/1993	Gwon et al.	
A11	US-	5,300,114	04/05/1994	Gwon et al.	
A12	US-	5,322,691	06/21/1994	Darougar et al.	
A13	US-	5,378,475	01/03/1995	Smith et al.	
A14	US-	5,403,901	04/04/1995	Namdaran et al.	
A15	US-	5,443,505	08/22/1995	Wong et al.	
A16	US-	5,466,233	11/14/1995	Weiner et al.	
A17	US-	5,466,466	11/14/1995	Muller	
A18	US-	5,476,511	12/19/1995	Gwon et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
A19	EP	0 904 787	03/31/1999	Santen Pharm Co		
A20	DE	40 22 553	01/23/1992	H. Hund		<input checked="" type="checkbox"/>
A21	RU	2149615	05/27/2000	Nesterov		
A22	WO	94/05257	03/17/1994	Allergan, Inc.		
A23	WO	95/26734	10/12/1995	Freeman		
A24	WO	95/28984	11/02/1995	Esscalon Ophtha		

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

Complete if Known**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

4

Application Number

10/706,105

Filing Date

11/12/2003

First Named Inventor

Yoseph Yaacobi

Art Unit

Examiner Name

Attorney Docket Number

2188 F US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (If known)			
B1	US-	5,516,522	05/14/1996	Peyman et al.	
B2	US-	5,632,984	05/27/1997	Wong et al.	
B3	US-	5,679,666	10/21/1997	Clark	
B4	US-	5,710,165	01/20/1998	Kapin et al.	
B5	US-	5,725,493	03/10/1998	Avery et al.	
B6	US-	5,743,274	04/28/1998	Peyman	
B7	US-	5,766,242	06/16/1998	Wong et al.	
B8	US-	5,766,619	06/16/1998	Aiache et al.	
B9	US-	5,770,592	06/23/1998	Clark	
B10	US-	5,773,019	06/30/1998	Ashton et al.	
B11	US-	5,797,898	08/25/1998	Santini, Jr. et al.	
B12	US-	5,824,072	10/20/1998	Wong	
B13	US-	5,824,073	10/20/1998	Peyman	
B14	US-	5,830,173	11/03/1998	Avery et al.	
B15	US-	5,836,935	11/17/1998	Ashton et al.	
B16	US-	5,902,598	05/11/1999	Chen et al.	
B17	US-	5,904,144	05/18/1999	Hammang et al.	
B18	US-	5,916,584	06/29/1999	O'Donoghue	
B19	US-	6,001,386	12/14/1999	Ashton et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (If known)				
B20		WO 96/36377	11/21/1996	Optonol Ltd.		
B21		WO 97/14415	04/24/1997	F. H. Faulding		
B22		WO 98/23228	06/04/1998	Alza Corp.		
B23		WO 98/43611	10/08/1998	Alza Corp.		
B24		WO 99/07418	02/18/1999	Allergan Sales		
B25		WO 99/11244	03/11/1999	Control Del Sys		

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

Complete if Known

Application Number	10/706,105
Filing Date	11/12/2003
First Named Inventor	Yoseph Yaacobi
Art Unit	
Examiner Name	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

3

of

4

Attorney Docket Number

2188 F US

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
C1	US-	6,074,661	06/13/2000	Olejnik et al.	
C2	US-	6,110,485	08/29/2000	Olejnik	
C3	US-	6,126,687	10/03/2000	Peyman	
C4	US-	6,146,366	11/14/2000	Schachar	
C5	US-	6,217,895	04/17/2001	Guo et al.	
C6	US-	6,375,972	04/23/02	Guo et al.	
C7	US-	6,378,526	04/30/2002	Bowman et al.	
C8	US-	6,397,849	06/04/2002	Bowman et al.	
C9	US-	6,413,245	07/02/2002	Yaacobi et al.	
C10	US-	6,413,540	07/02/2002	Yaacobi	
C11	US-	6,416,777	07/09/2002	Yaacobi	
C12	US-	6,669,950	12/30/2003	Yaacobi	
C13	US-	4,624,848	11/25/1986	Lee	
C14	US-	2002/188,282	12/12/2002	Greenberg	
C15	US-	2003/175,324	09/18/2003	Robinson et al.	
C16	US-				
C17	US-				
C18	US-				
C19	US-				

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
C20		WO 99/32104 ✓	07/01/1999	Alcon Labs		
C21		WO 99/45920 ✓	09/16/1999	Johns Hopkins		
C22		WO 00/37066 ✓	06/29/2000	Johns Hopkins		
C23		WO 00/56340 ✓	03/22/2000	Control Del Sys		
C24		WO 01/49226 ✓	07/12/2001	Univ of Sydney		
C25		WO 02/100318 ✓	02/19/2002	Johns Hopkins		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/706,105
				Filing Date	11/12/2003
				First Named Inventor	Yoseph Yaacobi
				Art Unit	
				Examiner Name	
Sheet	4	of	4	Attorney Docket Number	2188 F US

NON-PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	D1 ✓	"Bausch & Lomb and Control Delivery Systems Agree to Develop Breakthrough Therapeutic Products for Severe Eye Diseases;" Business Wire via First! NewsEdge Corp.; 06/15/1999; 4 pp			
	D2 ✓	"Method of Placing Irrigation System into Tenon's Space," E.I. SIDORENKO, et al., Abstract of Russian Patent No. RU 2123314, issued 12/20/1998, 1 pg.			
	D3 ✓	"A New method for Posterior Sub-Tenon's Drug Administration," NESTEROV, et al., Ophthalmic Surgery, Vol. 24, No. 1, January 1993, pp. 59-61			
	D4 ✓	DIALOG File 266:FEDRIP database record; Identifying No. 122098; "Implantation of a Sub-Tenon Drug Delivery Device Loaded with a Test Article in Rabbits and Distribution of the Test Article in Ocular Tissues;" Compiled and distributed by NTIS; 1 page; 06/03/1999			
	D5 ✓	DIALOG File 266: FEDRIP database record; Identifying No. 134284; "Implantation of a Sub-Tenon Drug Delivery Device Loaded with a Test Article in Rabbits and Distribution of the Test Article in Ocular Tissues;" Compiled and distributed by NTIS; 1 page			
	D6 ✓	DIALOG File 266: FEDRIP database record; Identifying No. 131476; "Ocular Bioavailability of AL-3789 and AL-4940 after Sub-Tenon's Injection of AL-3789 Ophthalmic Suspensions in New Zealand White Rabbits;" Compiled and distributed by NTIS; 1 page			
	D7				
	D8				
	D9				
	D10				

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.